IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12641 of 2004

Between:

K.C. Asthana, S/o. Lokendra Bahadur,
R/o.D.No.6-3-563/A/1, Yerram Manzil Colony, Hyderabad.

..... PETITIONER

AND

1 The Station House Officer, Panjagutta Police Station,
Panjagutta, Hyderabad.
2 K.S. Raju, Director, Nagarjuna finance Limited,
Nagarjuna Hills, Panjagutta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not registering the crime against the 2nd respondent in pursuance of the complaint made by the petitioner and also sent through registered post on 22-04-2004 as illegal, unjust, arbitrary, discriminatory, extraneous and against the statutory provisions and consequently direct the 1st respondent to register a case under appropriate provisions of Indian Penal Code against the 2nd respondent in pursuance of the complaint made by the petitioner herein and also sent through registered post

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: ---

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the first respondent.

The petitioner seeks a writ of Mandamus declaring the alleged inaction on the part of the first respondent in registering a crime against the second respondent on the basis of the complaint made by him on 22.04.2004.

The petitioner states that he has invested a sum of Rs.3,00,000/- in Nagarjuna Finance Limited, Nagarjuna Hills, Panjagutta, Hyderabad, in the form of redeemable preference shares in the year 1997 and the second respondent, who is one of the Directors of Nagarjuna Finance Ltd., issued certificates bearing Nos.188 to 193 each of 500 redeemable preference shares. After due date, the petitioner approached the second respondent for redemption, however the second respondent has assured the petitioner that the payment will be made later and obtained endorsement of the petitioner and his wife on the redeemable certificates as “received payment”. But, the second respondent failed to make the payment. The petitioner having come to know about the dishonest intention of the second respondent to misappropriate the amounts, issued a legal notice dated 26.07.2003, but there was no response from the second respondent. In the circumstances, left with no other alternative the petitioner lodged a complaint with the Station House Officer, Panjagutta – the first respondent in the month of March, 2004, but no crime was registered by the first respondent. The petitioner also sent a complaint through registered post on 22.04.2004. Since the first respondent failed to take any action, this writ petition is filed seeking the above relief.

The first respondent Inspector of Police, Punjagguta Police Station,

filed a counter affidavit dated 03.08.2004 stating that the plea of the petitioner that he lodged a complaint in Punjagutta Police Station, is not correct. It is further stated that no such complaint has ever been received by the first respondent in the month of March, 2004 nor they received any complaint by registered post on 22.04.2004. However, it has been added that if the petitioner makes an appropriate complaint, necessary action will be taken by the first respondent.

In view of the counter averments denying the receipt of the complaint, I do not find any justification in the allegation that there is inaction on the part of the first respondent.

In the circumstances, the relief as prayed for cannot be granted. However, it is left open to the petitioner to lodge a proper complaint before the first respondent furnishing all the necessary details with regard to the allegations against the second respondent, in which event, the first respondent shall consider the same and take appropriate action in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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20.08.2004

Note: Furnish CC by 25.08.2004

(b/o)

VGB

To

1 The Station House Officer, Panjagutta Police Station,
Panjagutta, Hyderabad.

2 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

3 2CD copies